

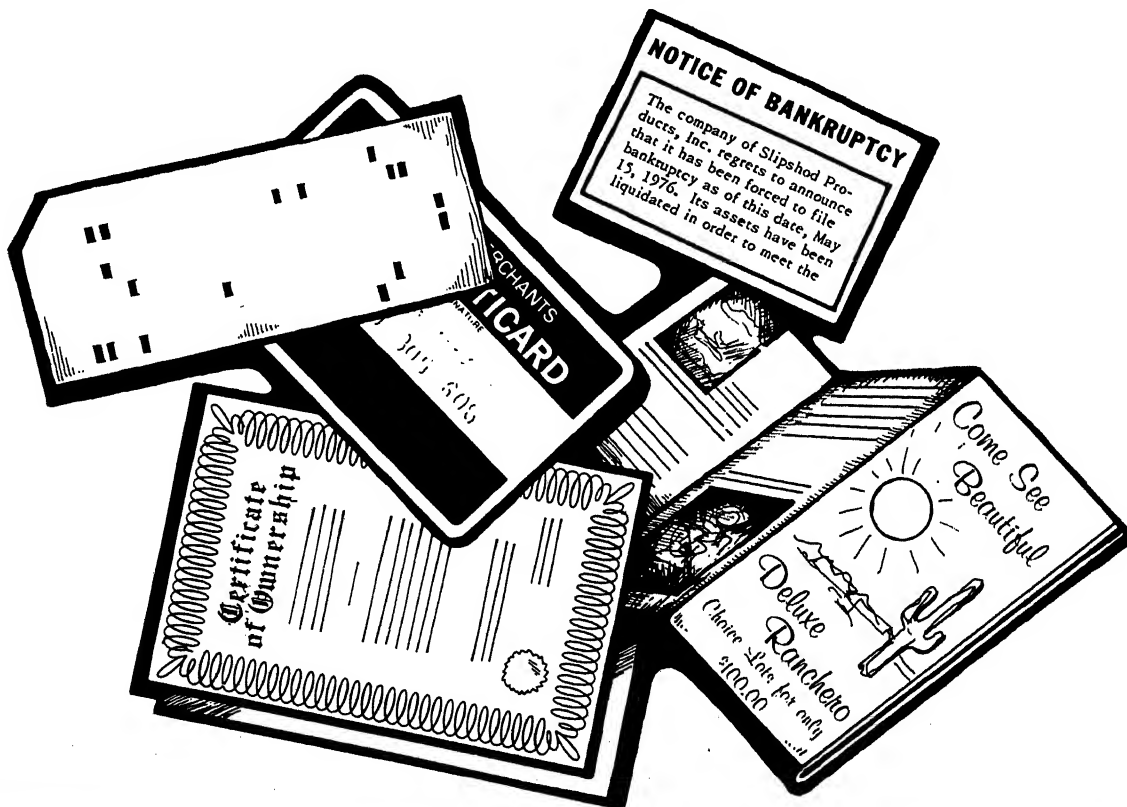
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JUNE 1979

WHITE COLLAR CRIME

MANAGING AN INVESTIGATION INTO PUBLIC CORRUPTION

*AN OPERATIONAL GUIDE TO
WHITE COLLAR CRIME ENFORCEMENT*



FOREWORD AND ACKNOWLEDGMENTS

This Operational Guide is one of a series developed by the National Center on White-Collar Crime as part of the Center's program of support services to agencies engaged in the prevention, detection, investigation, and prosecution of white-collar crime and related abuses. These Operational Guides are intended for use in actual law enforcement operations, as well as training, on the theory that the best training materials are those which most respond to the day-to-day needs of users who regularly practice their skills. This series evolved parallel with, and as a part of the Center's preparation of a curriculum for training in the field of white-collar crime enforcement.

Special mention should be made of the support and encouragement of James O. Golden, Director of the Criminal Conspiracies Division of the Office of Criminal Justice Programs, Law Enforcement Assistance Administration, and of Mr. Jay Marshall who is our L.E.A.A. Project Monitor. Last, we gratefully acknowledge the invaluable support of members of the Battelle Law and Justice Study Center staff, and particularly that of Cheryl Osborn who typed our manuscripts, kept our files, and did all those things without which this series could not have been created.

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Collar Crime

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402
Stock Number 027-000-00787-2

OPERATIONAL GUIDE TO WHITE-COLLAR CRIME ENFORCEMENT

THE NATIONAL CENTER ON WHITE-COLLAR CRIME

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MANAGING AN INVESTIGATION INTO PUBLIC CORRUPTION

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This project was supported by Grant Number 77-TA-99-0008 awarded to the Battelle Memorial Institute Law and Justice Study Center by the Law Enforcement Assistance Administration, U.S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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MANAGING AN INVESTIGATION INTO PUBLIC CORRUPTION

by

Richard Condon

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MANAGING AN INVESTIGATION INTO PUBLIC CORRUPTION

by

Richard Condon

I. CORRUPTION INVESTIGATIONS

This Operational Guide on Managing a Corruption Investigation is written to assist investigators and prosecutors in conducting a major corruption investigation. Certain assumptions are made in the writing of this guide. They are:

1. The scope of the investigation is such that it will involve the full-time efforts of attorneys, investigators, auditors, and support personnel.
2. The nature of the investigation is such that there is a probability that attempts will be made to compromise the investigation.
3. The crime under investigation is ongoing rather than completed. While many of the investigative steps taken would be the same for both completed and ongoing crimes, there are additional options open to the investigative team when investigating an ongoing conspiracy. They may be able to "influence the environment" to affect the direction of the investigation. For example, an undercover officer may be able to prevent, delay, or change the location of a meeting to further an investigative end. This proactive method of investigating is less likely to be possible when the crime under investigation has already been completed.
4. The jurisdiction is one in which court-authorized eavesdropping is not provided for in the law, but one-party consensual recordings are permitted. The focus of investigative effort might differ substantially in jurisdictions which permit electronic surveillance.

II. SECURITY OF INVESTIGATION

Any major corruption investigation is subject to being compromised either from without or from within. Attention must be paid to both the physical security of the investigative headquarters and to the integrity of the investigative team. Consideration should be given to the following:

A. Location of operational headquarters.

1. Is the facility in a secure building? Is it alarmed? What provisions have been made for response by a member of the investigative staff in the event of a fire or burglar alarm activation? What provisions have been made for supervision of cleaning personnel and other outside people in the building? Has provision been made for periodic checks of telephone lines and for bugging devices?

B. Assignment of personnel.

1. Have investigators, attorneys, and any support personnel been screened? Is the investigative staff as small as possible consistent with accomplishing its mission? Is it necessary to assign everyone to the unit, or is it possible to provide some of the staff with cover assignments thus disguising the magnitude of the undertaking?

C. Other considerations.

1. What provisions have been made regarding radio communications? Is the frequency used relatively safe? Is it possible to employ a code in transmitting? Have investigators been briefed on radio security, i.e., to make license-plate check requests by phone rather than over the air?

2. What provisions have been made regarding records checks? Is it possible to have your own computer terminal at operational headquarters? Is it possible to limit responsibility for records checks to one investigator, i.e., the intelligence officer? Can provisions be made for this investigator to have direct access to as many agency and outside files as possible thus limiting exposure of area of inquiry to others?

III. MAINTENANCE OF RECORDS

Records should be maintained readily available to the investigative personnel and attorneys assigned to the investigation. They should not be readily available to anyone else.

Original records should not be taken from the records area. Information such as license plates, addresses, and photographs should be duplicated if necessary for use by field personnel.

Arrangement of files will depend on the complexity of the investigation. Basic files will include:

- Name cards, including aliases or nicknames.
- Address cards, including locations frequented by subjects.
- License-plate cards, including information on persons who use the vehicle, as well as the registered owner.
- Telephone-number cards, containing information on the subscriber and other subjects who may be contacted at the number.*

These cards should duplicate each other: a name card should also note locations frequented by the named subject, automobiles used, a physical description of the subject, and a photo of the subject if one is available. The address cards should contain the names of subjects who reside at or frequent the address and automobiles registered to people

* See Appendix A for facsimilies of each of these cards.

who live at the address. This information will provide a quick reference for field personnel following a known subject to an unfamiliar location or who observe an unknown subject arrive in an automobile at a suspect location.

Among other records that will be of use during a long-term investigation are:

1. A brief chronology of events kept as a running account of meetings and payoffs which take place over the life of the investigation.
2. A breakdown by "subject" as to his involvement, i.e., meetings attended by him.
3. An alias file, with reference to true name.

The intelligence officer should familiarize himself with unusual sources of information both within and outside law enforcement agencies.

For example, the Office of the Special Prosecutor to Investigate Corruption in the Criminal Justice System in New York City maintains files that are primarily concerned with bribery situations involving organized crime figures and public officials--especially in the criminal justice system. There is also a Special Nursing Home Prosecutor who maintains records relating to bribery and frauds in the health services area.

IV. EXAMINATION OF REPORTS

Investigative reports should be examined on a daily basis by the supervising investigator, the intelligence officer, and the case attorney. Each of these examinations serves a different purpose.

The supervising investigator will be primarily concerned with the information contained in the reports to help keep him abreast of the investigation and to enable him to brief other investigative teams. He will also be concerned with the completeness and accuracy of the reports.

The intelligence officer should dissect the reports, culling from them names, addresses, and license plate numbers. He should extract descriptions of unknown subjects to check against descriptions of unknown subjects from prior reports by other investigators. He should maintain a file of these descriptions, noting on which report(s) they appear, so that if subsequent identifications are made, the earlier reports may be updated and the information disseminated to the investigative teams.

The case attorney should be concerned with the reports as providing a framework for a grand jury presentation and, eventually, a trial. They are documents that will be at issue as prior statements of witnesses available to the defense at hearings and trial. The case attorney should be satisfied that the reports are clear and unambiguous. Where two or more investigators are on the same surveillance, the reports should accurately reflect what each saw and will be able to testify to.

The supervising investigator, the intelligence officer, and the case attorney should periodically reread earlier reports in order to discover patterns that may be developing. Such rereading can help him to better understand prior reports in the light of subsequent information obtained, such as identifications of previously unknown subjects, or the type of activity taking place at an observed location.

V. STORAGE OF TAPES AND OTHER EVIDENCE

The chain of custody of tapes used in consent recordings and in connection with court-ordered eavesdropping, where court-ordered eavesdropping is allowed, must be carefully maintained. Tapes should be sequentially numbered and only virgin tapes should be used.

Whenever possible, one investigator should be responsible for signing out the tape, putting the heading on it,* placing it on the subject, retrieving it from the subject, and signing it back into the tech. room for duplication and storage.

Tapes and other evidence with identifying information should be logged into an evidence book and stored in a secure, limited-access area. The use of a safe is strongly suggested, and the knowledge of the combination limited to as few persons as possible.

VI. USE OF INFORMANTS

The two most important rules to be followed in dealing with an informant are: 1) you must control him; and 2) you must keep your word.

These rules may seem obvious, but any investigator or attorney who has dealt with a number of informants will recognize how costly it can be to violate either of these tenets.

Control of Informants

Informants should be registered with the agency and their identities closely guarded. Whenever possible, at least two investigators should have a working relationship with each informant.

Compensation for paid informants should come from a special fund, not from the pockets of the investigators. This fund should be set up with controls that allow for the accounting of disbursements, but that do not unnecessarily reveal the informant's identity. One way to accomplish this is for the investigator to submit vouchers which state that the check drawn is to be used for confidential information from informant # The check should then be cashed by

* Appendix B contains a sample tape heading for a concealable recorder and a telephone call.

the investigator and the money given to the informant, who executes a receipt for it. These receipts should be numbered and maintained in the informants' confidential file.

An informant who is providing information in return for consideration in a case in which he is a defendant should be told just what the agency is prepared to do to help the informant. Any such negotiations should be handled by the case attorney, not the investigator. No promise should be made that cannot be kept.

If an informant's testimony is going to be needed, this should be made clear to the informant at the outset.

In dealing with an informant, it is important to utilize his knowledge of the participants in the conspiracy and his opinions on various tactics under consideration. His opinion, however, should not be the controlling factor in deciding how to proceed. Informants will often suggest, or insist on, a course of action that the investigator feels would not work or would not accomplish the investigative end. The informant may suggest a particular course of action because it is safer or easier for him because it prolongs the period of time he is being compensated, or because it avoids jeopardizing participants in the conspiracy he wishes to protect. The investigator must be willing to overrule the informant, even if it means that he will no longer cooperate and the investigation will be hampered. All too often, inexperienced investigators and/or attorneys allow informants to dictate the direction an investigation will take, only to find in the end that the only benefit obtained was to the informant.

VII. USE OF "TURNED" SUSPECTS

The two crucial decisions to be made in attempting to have someone who is part of the conspiracy become your agent, or "turn" him are: 1) who to approach, and 2) if and when to make your approach.

1) Ideally, the person you approach will be the least culpable of the conspirators and also be in the best position to further the investigation. Realistically, you will have to decide between someone who is in a good position to help but is a main participant, and someone who is in a position less advantageous to the investigation but who is also less culpable.

However, you probably would not be looking to "turn" someone if there were other investigative avenues open to you. Therefore, having to offer someone a "deal" in return for his cooperation must be viewed as the alternative to not making a case against any of the parties to the conspiracy. So you decide who is:

- a) most apt to cooperate,
- b) in a position to further the investigation if he does cooperate, and
- c) is not the main subject of the investigation.

2) Deciding if and when to attempt to turn someone is an equally crucial decision.

If you fail in your attempt to "turn" someone, you will more than likely expose the fact that you are investigating a particular crime. This can sometimes be avoided if the person you are attempting to "turn" is engaged in more than one form of criminal activity. Try to approach him on the crime you are less interested in. If you fail, you will not have exposed your investigation into the crime which is of primary importance.

As important as the decision to attempt to "turn" someone is, equally important is at what time you actually make the attempt. You will need time to persuade your subject that he should cooperate. If you make your approach at a time when his presence will be missed somewhere else, you may defeat your purpose. If the subject cannot accompany you because

he must be somewhere else, it is likely he will report the approach to co-conspirators. Prior surveillance should be conducted to assure that you will have time to convince the subject that he should cooperate.

If you succeed, be aware that a "turned" subject will not necessarily stay "turned," and may at any time expose the investigation. Do not arm him with any more information than is absolutely necessary. You must control a "turned" subject even more than you would an informant.

VIII. USE OF UNDERCOVER INVESTIGATORS

The use of undercover investigators offers obvious advantages over the use of either informants or "turned" criminals. Undercovers are trained investigators who will be more objective in reporting on a situation than either the informant or "turned" criminal. You can trust your undercover more than you could ever trust an informant or "turned" criminal. They are also more reputable on the witness stand.

The cover provided for an undercover should be as complete as is necessary to the investigation being conducted. It should be assumed that at some point an undercover's background and/or identity will be questioned. Therefore, he must be provided with the necessary documentation to stand up to such a check. Social security cards, credit cards, and a driver's license are a few of the more basic documents the undercover should possess.

Contact with an undercover should be limited to as few investigators as practical. When meetings are necessary, they should take place away from police facilities. Arrangements should be made for someone to take care of unusual personal obligations that cannot be met by the undercover because of his assignment.

A well-placed undercover investigator will not only be in a position to provide intelligence but may also be able to delay or prevent actions that would do irreparable harm.

Of less significance, but perhaps of more importance to the investigation, the undercover may be able to provide direction to the rest of the investigative team, especially to the auditors. There have been instances where undercover investigators penetrated sufficiently high in an organization to be able to accept the service of subpoenas and assure they were complied with fully

IX. CONSENT RECORDINGS

Electronic eavesdropping as an investigative tool is not treated in this guide because many jurisdictions do not have the statutory authority to intercept telephone conversations or mechanically overhear conversations without the consent of one of the parties. However, most jurisdictions do permit the recording of conversations where one party consents to the overhearing.

The use of consent recordings is important when you are relying on informants and "turned" criminals. Their unsupported testimony is likely to be suspect, as both classes of witnesses have something to gain from cooperating. The informant may have been promised a financial reward or a consideration in sentencing in a case in which he is a defendant. A "turned" participant in the conspiracy under investigation is obviously seeking consideration. It is important to be able to support their testimony with additional or corroborative evidence. The use of consent recordings is one way to accomplish this end.

Consent recordings may be made of telephone calls, by concealing a recorder or transmitter on the person of your agent, or by wiring an automobile, room, or other place where a meeting is to take place. One caution to be noted when wiring a room or car to overhear your agent's conversation is that if your agent leaves the vehicle or room and two or more people remain and continue the conversation, unaware that is being recorded, an illegal eavesdropping situation exists.

The two most common methods of wiring the person of your agent are to use either a transmitter or a body recorder. There are advantages and disadvantages in using each.

The transmitter is more easily concealable, consisting only of a microphone and a power source. The conversation is broadcast by the transmitter to listening agents nearby and is recorded on a tape recorder in their possession. The use of the transmitter allows the monitoring agents to overhear the conversation and helps insure the safety of your agent by putting you in a position to take action if the need arises.

The range of the transmitter is limited and can be affected by the decibel level of the air, the density of buildings, and sound-proofing. Therefore, it is not recommended that a transmitter be used alone unless conditions are ideal.

The body recorder is larger than the transmitter and thus is less easily concealable. It does not broadcast the conversation, but rather records it on a self-contained tape recorder. The body recorder will be far less affected by the decibel level of the air and not at all by the surroundings. The conversation cannot, however, be monitored by backup agents.

Wherever possible, it is recommended that both a body recorder and a transmitter be used to record the conversation.

X. USE OF AUDITOR-INVESTIGATORS

Auditors are essential to the investigation of white-collar crime. Money or something else of value is the common thread that runs through every type of fraud and every act of corruption.

The areas where auditors will be of most value are:

1. uncovering the source of bribe payments
2. tracing and following the trail of bribe payments

3. Uncovering the nature of the fraud under investigation
4. Determining the income engendered by illegal activities

The traditional sources of bribe payments from organized crime to public officials are monies received from gambling, loansharking, and narcotics. It is when you are attempting to establish the source of a commercial bribe or a bribe from a so-called "legitimate" business to a public official or organized crime figure, that the skills of the auditors are needed. Some of the methods of diverting assets to pay bribes that have been uncovered in recent years include:

1. Banks receive large deposits from organized crime controlled unions, then make loans to borrowers recommended by the unions. These loans are never paid back.
2. The employment of selected people as salesmen, troubleshooters, and consultants at a salary and with an expense account. Little work is of course expected in return for the monies paid.
3. The establishment of a line-of-credit at a Las Vegas casino which allows the recipient to gamble and lose with the markers made good by the briber.
4. The purchase of tables or the taking of ads in journals in connection with political dinners in order to obtain contracts.
5. The use of company automobiles, boats, apartments, suites in resorts, and tickets to shows or sporting events as payment for favors.
6. The purchase of property or other assets of considerable value for far less than the true market value.

It is important that the auditors be thoroughly familiar with all aspects of an investigation. In one investigation into the pornographic movie business, auditors were able to determine the volume of income from "peep" shows based on the life of the bulb used in the projectors and the number of bulbs purchased over a period of time.

In a medicaid investigation, auditors were able to establish the fee being charged by a laboratory for tests. This fee minus the kickbacks being paid to the medicaid mill was not enough to cover the cost of the testing. Investigators then discovered that the tests were not being performed and the laboratory was merely sending back every result as normal.

As business becomes more complex and as schemes are uncovered, the methods of diverting assets and perpetrating frauds will become more complex too, requiring an even greater utilization of auditors in corruption investigations.

XI. ISSUANCE OF PROCESS

At some stage in the investigation, it becomes necessary to issue process. If your investigation has been covert up to this point, the subjects will now become aware of your activities. Even the issuance of subpoenae duces tecum to banks and other noninvolved parties will most likely result in notification to the subject(s).

The first decision then is at what point should you issue process. Some things to be considered are: Does "going public" help or hinder the investigation? Will the issuance of process interfere with any undercover aspects of the investigation or will it help by stimulating activity on the part of the conspirators?

If the decision is made to issue process, the next decision to be made is: In what form should the process be issued? Do the records sought constitute evidence of a crime? Would they be destroyed if subpoenaed? Are they personal records the subpoenaing of which may confer immunity on the subject? Is there probable cause for issuing a search warrant?

The answers to these questions may well determine the outcome of the investigation. Therefore, there should be a full discussion between the attorneys and supervising investigators before any decision is made.

XII. INVESTIGATIVE GRAND JURY

The use of a grand jury in an investigation is usually the last step taken. At this point, most other investigative steps will have been exhausted or are dependent on the existence of the grand jury to be completed. For example, in New York State, subpoenae cannot generally be issued except to compel the appearance of persons or the surrendering of records to the grand jury.

The investigative grand jury is a powerful weapon, if used intelligently. A grand jury may confer immunity on a witness and thereby compel truthful testimony. The immunized witness is faced with the choice of testifying truthfully and hopefully aiding the investigation, or committing contempt or perjury and being indicted for those crimes.

The success or failure of the investigation may very well depend on the decisions made on how the grand jury is used. The sequence of witnesses called is crucial. Each question asked of a witness imparts information to the subjects of the investigation. If witness "A" is questioned about a meeting he had with subject "B," then it must be assumed that "B" will learn that you know the meeting took place. The questions put to "A" may reveal to "B" that there was electronic surveillance of the meeting or that "C," who also attended the meeting, was a government agent. On the other hand, questions may be asked in such a way as to leave the impression that electronic surveillance was utilized when in fact it was not.

When "B" is questioned in the grand jury, he is aware of the questions asked of "A" and may be in a position to conform his testimony to that of witness "A." In addition, an unsuspecting witness, not aware of the parameters of the investigation, may have risked "waiving immunity." Based on the questions asked of prior witnesses, he may now decide to testify only with immunity from prosecution.

The length of time allowed to pass between the calling of witnesses may also be crucial: evidence may be destroyed or altered; potential witnesses may leave the jurisdiction before they are subpoenaed; and agreements may be entered into as to who will "take the rap."

Prosecutors should be aware that the use of the investigative grand jury has come under increased scrutiny. On the federal level, a congressional committee is examining the role of the grand jury with a view toward changing unfair procedures.

In New York, the law has recently been changed to allow attorneys in the grand jury to accompany witnesses who have waived immunity. The focus of current defense attacks seems to be centered more on the conduct of the prosecutor and less on the conduct of the investigators in the field. In a number of recent prosecutions in the New York area, the conduct of the prosecutor has become enough of an issue to result in dismissals or reversals based on prosecutorial mistakes or, at least, to result in the requirement that a prosecutor other than the one who conducted the investigation be assigned to try the case.

XIII. COOPERATION BETWEEN INVESTIGATORS AND PROSECUTORS

In any joint investigation where the investigators and prosecutors are working together as a team, as opposed to investigations where the prosecutor is not consulted until

the case is made, certain ground rules should be established at the outset. Someone must be in overall control of the effort. Normally, this should be the prosecutor who, in the end, will have to present the evidence to secure an indictment and eventually try the case.

This is not to say that the prosecutor should attempt to direct field operations. He should not. Experienced investigators should be in charge of the day-to-day investigative effort. The prosecutor should serve as a legal guide and more importantly, provide overall direction in the investigation.

The prosecutor plays a difficult role in a joint investigation. He must be at one and the same time an active, enthusiastic member of the team and an objective, cautious judge as to whether the evidence gathered is enough to justify the empanelling of a grand jury, the issuance of search warrants, or the application for electronic eavesdropping. It is very easy for the prosecutor to get caught up in the chase and make mistakes that in the courtroom can prove fatal. The prosecutor must always keep in mind that somewhere down the road, he must contend with motions to suppress and controvert and dismiss.

There must be full and open communication between the investigators and prosecutors. Investigative mistakes should not be concealed from the prosecutor. Nothing makes a prosecutor more unhappy than to have the defense uncover an investigative mistake that has been kept from the prosecutor.

Prosecutors have to overcome the professional barrier that often exists between them and the investigators. It is not unusual for investigators to be reluctant to be completely frank and open with the prosecutor on a case. Investigators are aware that today's prosecutor is likely to be next year's defense attorney and feel that the less the prosecutor knows, the better off the investigators are.

Prosecutors should take pains not only to inform the investigators of their legal decisions, e.g., not to apply for a warrant, but also the reasoning behind the decision. This will not only make for a smoother relationship, but also help to make investigators more knowledgeable.

Prosecutors should not assume that because someone has been an investigator for a number of years, he is an experienced witness requiring little or no preparation before taking the witness stand. One of the by-products of expanded plea-bargaining is that many investigators may not testify in an adversary proceeding for a period of years. This is especially true of investigators who work on complex, long-term investigations.

The prosecutor should take pains to thoroughly prepare his investigators both as to direct testimony and also to the likely lines of cross-examination. This will help to prevent the bitterness often evidenced between a prosecutor who feels his investigative witness ruined the case and the investigator who feels that not only did the prosecutor leave him at the mercy of the defense attorney, but the prosecutor himself asked questions the investigator could not answer.

There should be a clear understanding between the investigators and prosecutors as to how contact with the media will be maintained. There should be no leaking of information by either the attorneys or investigators. Besides jeopardizing the investigation, the premature releasing of information can damage the working relationship between the investigators and attorneys.

In any joint investigation, and especially in complex, long-term investigations, friction will develop between the investigators and prosecutors. Nothing of a positive nature will be accomplished by letting these situations go unresolved; indeed, much harm may be done to the investigation if

misunderstandings and disagreements are not cleared up.
There must be a climate that allows for free and open
discussion when differences arise in order that they may be
resolved and the efforts of the entire investigative team be
directed toward the successful conclusion of the investigation.

APPENDIX A - SAMPLE NAME AND ADDRESS CARDS

Name _____		Date _____
Address _____		
Number	Street	
Borough or City and State _____		
DESCRIPTION: _____		
B # _____	KG # _____	Boro. # _____
Auto Reg.: _____		Phone # _____
REMARKS: _____		

NAME CARD · Cross Reference on Address and Plate or Phone Card
Form 3 (3-73) OFFICE OF SPECIAL PROSECUTOR

NUMBER	STREET	DATE
BOROUGH OR CITY AND STATE		SPECIFIC LOCATION
		PCT.
Name: _____		
B # _____	KG # _____	
E # _____		
Auto Reg.: _____		Boro. # _____
Phone # _____		
REMARKS: _____		

ADDRESS CARD · Cross Reference on Name, Plate or Phone Card
Form 4 (3-73) OFFICE OF SPECIAL PROSECUTOR

APPENDIX A - SAMPLE TELEPHONE AND LICENSE PLATE CARDS

EXCHANGE	NUMBER	AREA CODE	DATE
Pub? _____ Non-Pub? _____ Installation Date: _____			
Subscriber: _____			
Address: _____			
NUMBER		STREET	Boro. #
BOROUGH OR CITY AND STATE			SPECIFIC LOCATION
REMARKS: _____			

TELEPHONE CARD
Form 2 (3-73)

Cross Reference on Name and Address Card
OFFICE OF SPECIAL PROSECUTOR

Plate	Year & Make	Date
State	Type & Color	
Owner: _____		
Address: _____		
Number	Street	Boro. #
Borough or City and State		Specific Location
Bus. Address: _____		
REMARKS: _____		

PLATE CARD -- Cross-reference on Name & Address Card.
Form 5 (3-73) OFFICE OF SPECIAL PROSECUTOR

APPENDIX B

SAMPLE TAPE HEADING FOR A CONCEALABLE RECORDER AND A
TELEPHONE CALL

If equipment is issued by a tech unit, technical unit should record the following information on tape.

1. Title and name
2. Date and time
3. Description of equipment including serial number

TEST FOR CONCEALABLE RECORDER (NAGRA, ETC.)

Investigator

The time is _____ the date is _____ This is (Inv.) _____
testing (describe equipment) Present with is is (are) _____
This device has been placed on the person of (Mr./Mrs.) _____
to record an upcoming conversation with _____. For the
purpose of voice identification will you please state your name
and address? _____. Did you give permission to place
this recording devise on your person? _____ Do you want
the conversation with _____ to be recorded? _____. The
time is now _____ and the recorder is being turned to the off
position pending the upcoming conversation.

SAMPLE TAPE HEADING FOR TELEPHONE CALL

This is _____ the time is _____ the date is _____
Present with me is (Mr.) _____. (Mr.) _____ is about
to dial telephone number _____ and speak to (Mr.) _____
(Mr.) _____ do you give permission to record this telephone
conversation (answer) _____. Please state your name and address
for the record _____.

APPENDIX C -

The following is a list of technical equipment which would be of use in conducting investigations involving physical and electronic surveillance and the use of consent recordings:

1. (3) high quality cassette recorders (small)
- 1A. (6) Ring type induction coils used and impedanced matched with above cassette recorders.
2. (2) Nagra SNS 15/16 & 1 7/8 I.P.S concealable reel to reel recorders. complete.
- 2A. Waist band and ankle holder for Nagras
3. (1) Aid type TX722 250 milliwatt transmitter miniature pocket type; 2 channels, channel #2 should be the same frequency used for communications (walkie talkie, etc.) enabling multiple listing posts in a cover situation.
- 3A. Communications, base station and (x) amount of walkie talkies. 1 freq. person to person low transmitt. Power #2 freq. possible voter transmitter or transmitters high power.
4. (4) 7" reel to reel high quality tape recorders adapted to accept telephone lines and having the ability to record at 1 7/8 I.P.S. and 3 3/4 I.P.S.
- 4A. (2) telephone number decoders (dial impulse etc.) able to accept rotary and touchtone, which will also indicate date and time of both outgoing and incoming calls.
5. Duplicating equipment for above.
6. Camera equipment (lenses assorted)
7. Video equipment
8. Court play back. Head phones. Amplifiers.
9. Night vision equipment.

REFERENCES

The below listed volumes treat in greater detail some of the subject matter covered in this Operational Guide. Chapters and/or sections which are of particular significance are listed.

1. Electronic Surveillance Report, (U.S. Government Printing Office, Washington: 1976.) Findings and Recommendations, Chapter 1B, Effectiveness of Consensual Electronic Surveillance in Criminal Investigations, Pages 10 and 11, Summary of the Evidence Considered by the Commission, Section 7 B1, 2, 3, pages 113-116.
2. Herbert Edelhertz, et al., The Investigation of White-Collar Crime: A Manual for Law Enforcement Agencies, (U.S. Government Printing Office, Washington: April, 1977.) Chapter 11, "Organization of Agency Efforts to Combat White-Collar Crime;" Section F, "Prosecutor-Lawyer-Investigator Relationships;" pages 64-71, Chapter IV, "Conducting Investigations of White-Collar Crime;" Section C, "Covert Operations," pages 173-178.
3. New York State Division of Criminal Justice Services, Bureau of Prosecution and Defense Services, Economic Crime, April 1978. (While this volume is primarily concerned with the New York Statutes that may be of use in prosecuting White-Collar Crime cases, there are also sections dealing with government program frauds, frauds against government, and a number of other economic crimes.)
4. Don R. Harris, Basic Elements of Intelligence, (U.S. Government Printing Office, Washington: 1976.) Chapter III, The Filing System, pages 16-21; Appendix E, Security; Section C, Physical Security, pages 105-110.

